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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JAMES RANDOLPH KERNS,

12 Petitioner,

2:05-cv-0746-GEB-KJM-P

13 vs.

14 DERRAL ADAMS, Warden,

15 Respondent.

ORDER

16 _____/
17 Petitioner has requested the appointment of counsel. There currently exists no
18 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
19 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
20 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
21 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
22 served by the appointment of counsel at the present time.

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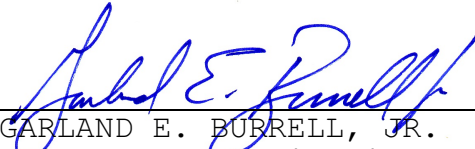
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1 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment
2 of counsel (Docket No. 42) is denied without prejudice to a renewal of the motion at a later stage
3 of the proceedings.

4 Dated: June 6, 2009

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7 GARLAND E. BURRELL, JR.
United States District Judge